

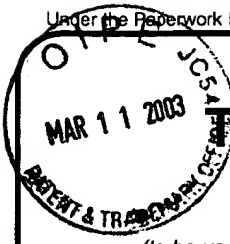
2176

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

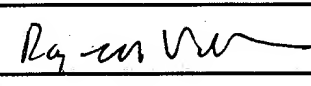
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 <h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>	<b>Application Number</b>	09/209,015	
	<b>Filing Date</b>	12/10/1998	
	<b>First Named Inventor</b>	Abramson	
	<b>Group Art Unit</b>	2176	
	<b>Examiner Name</b>	Rossi, J.	
<b>Total Number of Pages in This Submission</b>	5	<b>Attorney Docket Number</b>	101957.139

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Postcard (1); Response to Decision on Petition & Request to Withdraw Abandonment (2)
Remarks		<b>RECEIVED</b> <b>MAR 13 2003</b> Technology Center 2100

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Rajesh Vallabh
Signature	
Date	02/28/2003

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:			
			02/28/2003
Typed or printed name	Jody Begley		
Signature		Date	02/28/2003

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# 11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Nathan Abramson et al.

Serial No.: 09/209,015

Filed: December 10, 1998

For: SYSTEM AND METHOD FOR AUTOMATIC MAPPING OF  
HYPERTEXT INPUT FIELDS TO SOFTWARE COMPONENTS

Examiner: J. Rossi

Art Unit: 2176

Commissioner for Patents  
Washington, DC 20231

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MAR 13 2003

Technology Center 2100

**RESPONSE TO DECISION ON PETITION  
AND REQUEST TO WITHDRAW ABANDONMENT**

This communication is responsive to a Decision on Petition mailed February 24, 2003. The Applicant respectfully petitions the Commission to withdraw the holding of abandonment of the above-identified application because it was sent prematurely.

Alternatively, a terminal disclaimer is enclosed to address the issue raised in the Decision on Petition.

**Timing of the Abandonment**

The special programs examiner states that the assertion regarding the premature nature of the mailing of the Notice of Abandonment is without merit. Petitioners do not dispute that the mailing of the Notice of Abandonment was sent at the proper time, namely, October 21, 2002, but assert that an entry of abandoned was made on October 18, 2002, and that it caused the patent office to not enter correspondence into the file.<sup>1</sup>

When the correspondence was initially filed by facsimile on October 18, 2002 (a Friday), someone from the Patent Office called and said that the correspondence was being rejected

<sup>1</sup> The examiner notes that the copy of the Notice of Abandonment provided by petitioners omitted the cover page. This latter statement appears to imply that the submission was misleading. However, the first sentence of the first paragraph on this topic in the previous Request to Withdraw Abandonment stated that the Notice of Abandonment was mailed on October 21, 2002.

because the application had already been abandoned. On investigation, it was learned that the application had been listed as abandoned before the due date of October 19, 2003 (a Saturday). This was the first time the undersigned had encountered this situation, or the situation of the patent office essentially rejecting a piece of correspondence on such a basis, and thus it made a memorable impression.

In a later telephone call to the Patent Office, we were told that the abandonment was listed in PALM as being effective on October 18, 2002.

Consequently, there is no dispute that the Notice of Abandonment was mailed on October 21, 2002; the dispute is whether the petitioner's correspondence sent on October 18, 2002 was wrongfully rejected because the application had been wrongfully abandoned.

**Form of Mailing -- 37 C.F.R. §1.8**

Regarding the form of the mailing, it is believed that the mailing that was submitted complied in every respect with 37 C.F.R. § 1.8. The examiner asserts that it did not conform to M.P.E.P. § 512, "Procedure by Applicant." Petitioner disputes that the certificate of mailing is inconsistent with any requirement. Admittedly, the mailing was not entirely consistent with what the Patent Office states "should" be included, although there is no indication that the reason why the correspondence was not entered had to do with the difference between what "should" have been done and what was done.

The certificate of mailing that was filed identified the date, facsimile number, examiner, and identified by name the attached documents that were being submitted. The other documents that were submitted contained the appropriate application number. In the experience of the undersigned, it is typical to have a certificate of mailing on a transmittal or on a single sheet of paper, notwithstanding that there may be multiple separate sheets of paper that make up the single correspondence. While the examiner is correct about what would and could have been done, the submission is believed to have been consistent with all requirements of 37 C.F.R. §1.8 and the M.P.E.P.

Regarding the issue of delay, the undersigned telephoned the group secretary and the examiner to ask about the abandonment and why an abandonment had been entered. The

examiner indicated that he would look into it. It was assumed from the conversation, perhaps optimistically in retrospect, that the examiner was going correct the error.

When petitioners were preparing to file an appellant's brief, it was noticed that there had been no official correction of this error, and the previously correspondence followed.

### **Conclusion**

Petitioners renew the request that the Patent Office withdraw the holding of abandonment as having been made in error, and accept the notice of appeal and petition for extension that were transmitted on October 18, 2002.

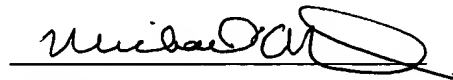
If necessary, petitioners are including a terminal disclaimer to disclaim any extension that may otherwise be granted as a result of the abandonment. The language that is used in the terminal disclaimer tracks the language in the M.P.E.P. of the purpose for the terminal disclaimer.

If there is any other information that can be provided to resolve this matter, the special program examiner is invited to call the applicant's attorney at the telephone number listed below.

It is believed that no fee is due. The Commissioner is authorized to charge any fee that may be due to Deposit Account No. 08-0219.

Respectfully submitted,

Date: February 28, 2003



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